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OFFICE OF PETITIONS

In re Application of : DECISION GRANTING
Kirkpatrick : PETITION UNDER 37 CFR
Application No. 10/015,703 : 1.137(f)
Filed: December 17, 2001 :
Attorney Docket No.: BS01-171 :

This decision is in response to the petition under 37 CFR 1.137(f), filed November 15, 2004.

The petition is hereby **GRANTED**.

Petitioners state that the instant Nonprovisional application is the subject of an application (PCT/US02/39858) filed December 13, 2002 in another country, or under a multinational treaty that requires publication of applications eighteen months after filing. Petitioners' further state that petitioners unintentionally failed to notify the Office of this filing within 45 days of the filing of the subject application in a foreign country.

Hence, the application became abandoned pursuant to 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement that requires publication of applications 18 months after filing.

A grantable petition under 37 CFR 1.137(f) must be accompanied by: (1) the reply; (2) the petition fee; (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to 37 CFR 1.137(d).

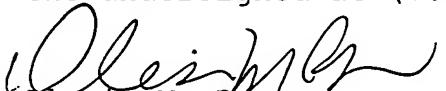
The instant petition has been reviewed and found to be in compliance with the provisions of 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 USC

122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 USC 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request setting forth the projected publication date of the instant application was previously mailed September 9, 2004.

This application is being forwarded to Technology Center 2100 for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.



Alesia M. Brown
Senior Petitions Attorney
Office of Petitions